

THE LAW FIRM OF
CÉSAR DE CASTRO, P.C.
ATTORNEY AT LAW

The District
111 Fulton Street - 602
New York, New York 10038
631.460.3951 Office
646.285.2077 Mobile
646.839.2682 Facsimile
cdecastro@cdecastrolaw.com
cdecastrolaw.com

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Via ECF

The Honorable Brian M. Cogan
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States v. Garcia Luna* 19 Cr. 576 (BMC)

Dear Judge Cogan,

We write to briefly respond to the government's opposition to our request to adjourn the due dates for post-trial motions and sentencing. First, the government has not identified any prejudice to any party if the Court were to grant the request. In fact, the only party adversely affected would be Mr. Garcia Luna who remains detained at the Metropolitan Detention Center, a facility that is almost universally recognized as more punitive than other federal pretrial detention facilities.

Second, the defense did not request the government's position because, as I believe the Court is aware, the government has opposed all previous defense requests in this regard.

Third, to the government's point that the defense has had years to investigate and speak to witnesses, it knows that we cannot control if and when individuals come forward to present information from Mexico and elsewhere that they believe may be helpful to the defense, nor do we have the power and resources of the United States government to summon witnesses from other countries. The government is also aware that the publicity this trial engendered was substantial and stories continue to be written regarding the trial in Mexico and the president of Mexico continues to reference the case frequently. As a result, people are emerging with relevant information that we could not have anticipated.

Last, the government attempts its own fishing expedition to determine what information the defense has obtained by suggesting that the defense has some sort of obligation to identify the new evidence that would form the basis of our Rule 33 motion. We are not required to provide

that information to justify our request, however, we would be happy to provide the information to the Court in an *ex parte* conference or a sealed *ex parte* letter.

Respectfully submitted,

/s/

César de Castro
Valerie Gotlib
Shannon McManus
Florian Miedel

Cc: all counsel of record (via ECF)